

CHAPTER 448H ELEVATOR MECHANICS

SECTION

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§448H-1 Definitions. As used in this chapter:

"Apprentice elevator mechanic" means any person who is in training to acquire the skill to become an elevator mechanic and who is required to work for at least two years under the supervision of an elevator mechanic duly licensed under the provision of section 448H-6.

"Board" means the elevator mechanics licensing board created by this chapter.

"Elevator mechanic" means any person who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of any elevator, dumbwaiter, stage lift, mechanized parking garage elevator, escalator, moving walk or ramp, lift including any construction, reconstruction, alteration, or adjustment of the structure or facility of which the same may be a part or to which the same may be attached, necessary for proper completion of the work on the elevator, dumbwaiter, stage lift, mechanized parking garage elevator, escalator, moving walk or ramp, or lift.

[§448H-2] License required. No person shall operate or practice as an elevator mechanic unless the person is licensed under this chapter.

§448H-3 Elevator mechanics licensing board; appointment; organization. There is created an elevator mechanics licensing board within the department of commerce and consumer affairs for administrative purposes. The board shall consist of seven members: four shall be licensed elevator mechanics, two shall be public members not connected or associated with the elevator or building industry, and one shall be the director of labor and industrial relations or the director's designee who is

an employee of the department of labor and industrial relations and has expertise in elevator and escalator installation and maintenance.

§448H-4 Meetings. The board shall meet not less than twice a year at a time and place as determined by the board. The board shall also meet but not later than thirty days prior to the licensing examination pursuant to section 448H-5(2) in order to evaluate applications therefor. Any board member who misses two consecutive meetings of the board or fifty per cent of the meetings in a year shall be removed from the board.

§448H-5 Powers and duties of the board. In addition to any other powers and duties authorized by law, the board shall:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter;
- (2) Develop, apply, review and upgrade appropriate techniques, including examinations and investigations for determining whether a person meets the requirements of this chapter and standards to insure that elevator mechanics will be persons qualified to serve as such;
- (3) Prescribe, at a minimum, that a nationally recognized examination, augmented with locally developed material, be used in testing for licensure, the passing grade for the examination to be not less than seventy per cent;
- (4) Issue licenses to persons determined, after application of those techniques, to have met the required qualifications and revoke or suspend licenses, previously issued by the board pursuant to hearings held in accordance with chapter 91, in any case where the individual holding any license is determined substantially to have failed to conform to the required qualifications, this chapter, or the rules of the board;
- (5) Establish and carry out procedures designed to insure that persons licensed as elevator mechanics will, during any period they serve as such, comply with the requirements of this chapter, the rules of the board, and chapter 397 and rules adopted thereunder;
- (6) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as an elevator mechanic has failed to comply with the requirements of this chapter regarding any complaint regarding job performance by mechanics, the rules of the board, or chapter 397 and the rules adopted thereunder;
- (7) Register apprentice elevator mechanics;
- (8) Maintain a record of its proceedings;
- (9) Assist and advise the department of labor and industrial relations in the adoption of rules relating to the conditions of work for elevator mechanics including requirements related to equipment or facilities essential for the safe installation, repair, maintenance, or alteration of any elevator, dumbwaiter, escalator, moving walk or ramp, and lift; and

- (10) Notify the department of labor and industrial relations of any fact or situation that, in the opinion of the board, constitutes a violation of chapter 397 or of any rule adopted thereunder.

§448H-6 Qualifications for license. No person shall be licensed as an elevator mechanic unless the person has satisfactorily passed the examination administered by the board, and satisfactorily completed at least two years of training under the supervision of a licensed, registered, or journey worker elevator mechanic.

§448H-7 Temporary permit. The board may issue a temporary permit to any person who has qualified as an elevator mechanic in another state with standards substantially equal to those of this chapter and who possesses skills or training not available in the State; provided that the board shall not register any such person as an apprentice elevator mechanic. The board shall, by rules and regulations, establish the terms of the temporary permit.

§448H-8 Fees. Application, examination, license, temporary permit, and biennial renewal fees shall be as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91. A fee is required for each reexamination. Application fees are not refundable.

Licenses shall expire on June 30 of each even-numbered year.

[§448H-9] Injunctive relief. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license or registered or whose license has been suspended or revoked or has expired; and, upon the filing of a verified petition in the court, the court or any judge thereof, if satisfied by affidavit or otherwise, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing as an elevator mechanic. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing as an elevator mechanic without having been issued a license or registered or has been or is practicing as an elevator mechanic after the defendant's license has been suspended or revoked or has expired, the court or any judge thereof may enter a decree enjoining the defendant from further practicing as an elevator mechanic. In case of violation of any injunction issued under this section, the court may summarily try and punish the offender for contempt of court. The injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

[§448H-10] Penalties. Any person who violates this chapter shall be fined not more than \$500 for a first offense. For each subsequent offense the person shall be fined not more than \$1,000, or imprisoned not more than one year, or both.